

REMARKS

In response to the Office Action mailed December 13, 2005, Applicants amended claims 1, 19 and 64 and cancelled claims 13, 28, 33-63 and 71. Claims 1-12, 14-27, 29-32 and 64-70 are presented for examination.

The Examiner rejected independent claim 1 and its dependent claims 2-4, 6, 7, 9-11 and 17 under 35 U.S.C. §102(e) as being anticipated by US 2001/0047166 ("Wuchinich"). The Examiner also rejected independent claim 19 and its dependent 20-22, 25, 26 and 32 under 35 U.S.C. §102(e) as being anticipated by Wuchinich. In addition, the Examiner rejected independent claim 64 and its dependent claims 65, 68 and 69 under 35 U.S.C. §102(e) as being anticipated by Wuchinich. But, as amended, claims 1-4, 6, 7, 9-11, 17, 19-22, 25, 26, 32, 64, 65, 68 and 69 cover devices that include an ultrasonic energy source that, during operation, provides an electrical power to a transducer at a resonant frequency of the transducer by finding the resonant frequency of the transducer. Wuchinich does not disclose such devices, so Applicants request reconsideration and withdrawal of this rejection.

The Examiner rejected claims 5 and 23 under 35 U.S.C. §103(a) as being unpatentable over Wuchinich in view of US 2002/0029054 ("Rabiner"). However, neither Wuchinich nor Rabiner, alone or in combination, discloses or suggests the devices covered by claims 5 and 23. Further, there is no suggestion to combine these references to provide such devices, and, even if the references were combined, the result would not be the devices covered by claims 5 and 23. Applicants therefore request reconsideration and withdrawal of this rejection.

The Examiner rejected claims 8, 12, 14-16, 24, 27, 29-31, 67 and 70 under 35 U.S.C. §103(a) as being unpatentable over Wuchinich in view of US 2003/0212331 ("Fenton"). But, neither Wuchinich nor Fenton, alone or in combination, discloses or suggests the devices covered by claims 8, 12, 14-16, 24, 27, 29-31, 67 and 70. Moreover, there is no suggestion to combine these references to provide such devices, and, even if the references were combined, the result would not be the devices covered by claims 8, 12, 14-16, 24, 27, 29-31, 67 and 70. Hence, Applicants request reconsideration and withdrawal of this rejection.

The Examiner rejected claim 18 under 35 U.S.C. §103(a) as being unpatentable over Wuchinich in view of USP 6,433,464 ("Jones"). However, neither Wuchinich nor Jones, alone

or in combination, discloses or suggests the devices covered by claim 18. In addition, there is no suggestion to combine these references to provide such devices, and, even if the references were combined, the result would not be the devices covered by claim 18. Accordingly, Applicants request reconsideration and withdrawal of this rejection.

The Examiner rejected claims 13 and 28 under 35 U.S.C. §103(a) as being unpatentable over Wuchinich in view of US 2003/0045887 ("Sakurai"). Applicants cancelled claims 13 and 28, so this rejection should be withdrawn.

The Examiner rejected claims 33 and 66 under 35 U.S.C. §103(a) as being unpatentable over Wuchinich in view of Sakurai. Like their corresponding independent claims (claims 1 and 64, respectively), claims 33 and 66 cover devices that include an ultrasonic energy source that, during operation, provides an electrical power to a transducer at a resonant frequency of the transducer by finding the resonant frequency of the transducer.

As noted above, Wuchinich does not disclose such devices. Moreover, after reading Wuchinich one skilled in the art would not have been motivated to modify his devices to provide the devices covered by claims 1 and 19 because Wuchinich's apparently met his objectives. (See, e.g., Wuchinich at Abstract and ¶¶13-15.) But, even if one skilled in the art would have somehow been motivated to modify Wuchinich's devices, that person would not have done so by modifying an aspect of the electronics in Wuchinich's device to include an aspect of the electronics in Sakurai's device, at least because, whereas Wuchinich disparaged systems that involved the use of more than one power supply (see, e.g., id. ¶12), Sakurai's system used more than one power supply. (See, e.g., Sakurai at ¶¶ 23, 26, 57 and 63 and Figs. 1 and 4.)

In view of the foregoing, Applicants believe that the claims 33 and 66 are patentable over the Examiner's prior combination of Wuchinich and Sakurai.

Applicants believe the application is in condition for allowance, which action is requested.

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Respectfully submitted,

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